UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

WILLIAM KEARNEY,
also known as "Ed Thompson,"
also known as "George,"

Defendant.

**SUMMARY ORDER**
09-CR-168 (DLI)

**DORA L. IRIZARRY, Chief United States District Judge:**

This proceeding was reassigned from the Hon. Sterling Johnson, Jr. to this Court on November 14, 2016. *See* Nov. 14, 2016 Minute Entry. Three days later, on November 17, 2016, Defendant William Kearney ("Defendant"), acting *pro se*, filed a letter with the Court requesting the appointment of a specific attorney who is not a member of this Court's Criminal Justice Act ("CJA") Panel. Dkt. Entry No. 488. For the reasons set forth below, Defendant's request is denied.

## DISCUSSION[1]

As an initial matter, Defendant is not entitled to the appointment of counsel from the CJA Panel of his own choosing. If counsel is to be appointed, it is the Court that will decide whom to select. Moreover, Ms. Shevitz, the attorney whom Defendant consulted about representing him in this matter is *not* a member of the CJA Panel of this Court. Only an attorney who is actually a member of the CJA Panel of *this* Court may be appointed. Most significantly, it is highly unethical for an attorney to be recruited directly by a defendant for payment by CJA funds and for the attorney to accept such an arrangement. It is expressly forbidden in the CJA Plan and it is

[1] The Court assumes Defendant's familiarity with the underlying facts and procedural posture of this case.

the intention of this Court to report this highly inappropriate conduct on her part to the CJA Panel of the Second Circuit Court of Appeals.

Finally, this case was just reassigned to this Court. Defendant repeatedly and frequently has made duplicative motions. The motions made by Defendant are under consideration by the Court and will be decided in due course. Defendant is to desist from further making repetitive filings as it will only waste this Court's time and resources and will not help it resolve issues in a more timely fashion.

## CONCLUSION

For the reasons set forth above, Defendant's motion for appointment of a specific attorney who is not a member of this Court's CJA Panel is DENIED and Defendant's various pending motions will be decided in due course.

SO ORDERED

Dated: Brooklyn, New York
November 29, 2016

/s/
Dora L. Irizarry
Chief Judge